



City of Seattle

Gregory J. Nickels, Mayor

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003803  
**Applicant Name:** Tom Fawthrop, for Seattle Public Utilities  
**Address of Proposal:** 330 NE 100<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Construction of Northgate Thornton Creek Water Quality Channel, covering 2.7 acres. The project includes 47,300 cubic yards of grading.

The following approval is required:

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION:**      ☐ Exempt    ☐ DNS    ☐ MDNS    ☐ EIS  
  
   ☒ DNS with conditions  
  
   ☐ DNS involving non-exempt grading, or demolition,  
   or another agency with jurisdiction.

**BACKGROUND DATA**

Location, Existing Use and Zoning

The project site is located south of Northgate Mall. It is bounded on the north by NE 103<sup>rd</sup> Street, on the east by 5<sup>th</sup> Avenue NE, on the south by NE 100<sup>th</sup> Street, and on the west by the King County Northgate Park and Ride facility. The site is an unstriped asphalt lot, which is variously used for intermittent short-term commercial uses such as RV shows, and overflow Northgate Mall parking prior to the December holiday season. The site is zoned Neighborhood Commercial 3 (NC3); roughly the eastern half of the site has a height limit of 65', while the remainder has a height limit of 125'.

### Zoning in Vicinity

Land to the east of 5<sup>th</sup> Avenue NE is zoned NC3-40 (north of NE 102<sup>nd</sup> Street) and L-3 (south of NE 102<sup>nd</sup> Street). NC3 zoning continues north, west and south of the project site, with varying height limits: property to the north (Northgate Mall) is zoned NC3-65 and NC3-125, property to the west (King County park-and-ride) is zoned NC3-125, and parcels to the south are zoned NC3-65 and NC3-85.

The project is located in the Northgate core area, and is part of the Northgate Overlay District (Seattle Municipal Code 23.71). As noted above, the site is adjacent to Northgate Mall and the King County park-and-ride lot. Multifamily residential units and offices are located east of the project site. A variety of office and commercial uses and a Group Health medical clinic are located south of the site.

### Proposal Description

The proposed project would replace 2.7 acres of asphalt with a water quality facility, designed to provide public open space and year-round flow. Stormwater from a 680-acre drainage basin would be treated before being discharged to Thornton Creek. The site will be sloped to allow water to be diverted from the on-site 60-inch storm pipe to the open water channel. Re-grading of the site to accommodate the water quality channel and associated site amenities will require demolition and removal of the surface asphalt, lighting fixtures, and some landscape materials.

The site of the proposed water quality channel project also is the site of a current private development proposal, known as Northgate Commons. This development consists of a number of mixed-use and single-purpose residential structures, a cinema, and a senior housing structure, and has been reviewed by DPD as Master Use Permit #2401519. Current parcel boundaries on the site do not meet the future division of property planned by Lorig and the City of Seattle. Property boundaries will be revised to conform to the proposed line through a short plat (MUP #2503971) that has been reviewed by DPD.

In addition, this project is subject to the Northgate Mall Development Agreement adopted by Ordinance 121358 on December 8, 2003. The Development Agreement encompassed the site on which the Thornton Creek Water Quality Channel is proposed to be developed. The Agreement specifies that the City, if it takes title to a portion of the site, will develop that portion as open spaces and/or for stormwater improvements. This proposed project is consistent with that requirement, and with the Development Agreement in general. Currently, a proposed amendment to the Development Agreement is being considered by the City Council. This amendment would allow taller development on the site, in conjunction with a proposed change to the zoned height limit on the site. The Water Quality Channel project also is consistent with this proposed amendment.

### Public Comments

The SEPA comment period for this project ran from February 16 to March 1, 2006. No comments were received.

This project was presented to the Northgate Stakeholders Group on several occasions during project development. The Stakeholders Group issued an Advice Memo on June 16, 2004, providing input to Seattle Public Utilities on three potential open space and drainage options on the site. The Group expressed a strong preference for the hybrid option over either a daylight or a natural systems option.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated January 26, 2006, and annotated by this Department. The information in the checklist, supplemental information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and recommendation.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is provided below.

#### **Short-term Impacts**

The following temporary or construction-related impacts are expected: 1) decreased air quality due to dust and other suspended particulates and emissions from construction machinery and vehicles; 2) increased traffic and demand for parking from construction equipment and personnel; 3) soil erosion and runoff; 4) increased vibration during excavation and general site work; 5) tracking of mud and dirt onto adjacent streets by construction vehicles; 6) interference with vehicle and pedestrian traffic on surrounding streets; 7) increased light and glare; 8) increased noise from construction activities and equipment; and 9) consumption of renewable and non-renewable resources.

Due to their temporary nature and limited scope, these impacts are not considered significant. Most are mitigated by compliance with applicable City codes and ordinances, including the Street Use Ordinance, the Noise Ordinance, the Grading and Drainage Control Ordinance, the Building Code, and compliance with Puget Sound Clean Air Agency (PSCAA) standards. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. However, certain construction-related impacts warrant further discussion, below.

#### **Construction-Related Traffic and Parking**

During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC sections 25.05.675 B and M).

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic adjacent to the project site. During construction there will be a temporary increase in traffic volumes to the site, due to travel to the site by construction employees and the transport of construction materials. Approximately 42,500 cubic yards of soil are expected to be excavated from the project site, which would result in about 5,300 truck trips. Additionally, about 6,500 cubic yards of fill will be brought to the site, generating about 1,540 truck trips.

The project site is located in an area of heavy traffic volumes, particularly during the PM peak hour, partially due to the park-and-ride lot located immediately to the west of the site. In addition, excavation for the Lorig development will occur at the same time as this project, and will generate approximately 15,400 truck trips. Considering the cumulative impacts of truck traffic generated by these two projects in a congested area, it is reasonable to restrict truck traffic to non-peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site between the hours of 3:30 PM and 6:30 PM. Truck access to and from the site shall be documented in a transportation route plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan shall also indicate how pedestrian connections around the site will be maintained during the construction period. The Thornton Creek Water Quality Channel project shall be required to continue its work with Northgate Commons to coordinate construction schedules, including development of a joint transportation construction management plan, addressing timing and routing of truck traffic, location of construction worker parking, and maintenance of pedestrian access around the site.

Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal. Traffic control would be regulated through the City's street use permit system, and a requirement for the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with the City of Seattle to ensure minimal disruptions.

### Earth

Steep slopes are located in the southeastern portion of the project site. The applicant requested and received an exemption from environmentally critical area regulation requirements, due to the steep slopes having been created by improvements to the adjacent rights-of-way (MUP #2501947). The limited exemption required that future construction that will encroach into and/or in close proximity to the steep slope areas must provide a geotechnical report at construction permit intake application. This requirement is included as a non-appealable condition for this MUP.

### Long-term Impacts

Minimal long-term impacts are expected from the construction of the Thornton Creek Water Quality Channel. No permanent buildings are proposed; a public art project may include a series of 35' tall poles. Small amounts of additional lighting of the poles and the pedestrian paths will result in potential minor increases in light and glare. Pedestrian activity on the site would increase, as would noise associated with pedestrian traffic and with routine maintenance and repair. Noise levels will be regulated through the City's Noise Ordinance. As most of the

existing impervious surface on the site will be replaced with pervious surfaces, surface water runoff will be improved. The facility as a whole will be designed to improve water quality for a 680-acre drainage area, including drainage from the site, before it flows into Thornton Creek. The project will be constructed in compliance with the City of Seattle's Stormwater, Grading, and Drainage Code.

No mitigation is required pursuant to 25.05.675 for these minor long-term environmental impacts.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

### **NON-APPEALABLE CONDITIONS**

#### **At Construction Permit Application Intake**

1. Future construction that will encroach into and/or in close proximity to the steep slope areas in the southeast portion of the site must provide a geotechnical report at the time of construction permit application intake.

#### **Prior to Issuance of Grading Permit**

2. A property dedication along the west edge of the site shall be made by the owner(s) and/or responsible party(ies) to the City of Seattle to provide right-of-way for the eastern half of an extension of 3<sup>rd</sup> Avenue NE from NE 100<sup>th</sup> Street to NE 103<sup>rd</sup> Street.

### **CONDITIONS - SEPA**

#### **Prior to Issuance of Grading Permit**

3. A transportation route plan shall be provided to DPD and SDOT; this plan shall document proposed truck access to and from the site, and shall indicate how pedestrian connections around the site will be maintained during the construction period.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

4. Large (greater than two-axle) trucks shall be prohibited from entering or exiting the project site between the hours of 3:30 PM and 6:30 PM.
5. The project shall continue to coordinate construction schedules with Northgate Commons, and shall develop a joint transportation construction management plan with Northgate Commons to the extent possible.

Signature: (signature on file)  
John Shaw, Land Use Analyst  
Department of Planning and Development

Date: March 30, 2006